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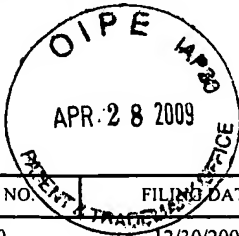


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,750	12/30/2003	Dan M. Mihai	EIS-5909D (1417G P 980)	2663

James P Muraff  
Wallenstein Wagner & Rockey Ltd  
311 S Wacker Drive 53rd Floor  
Chicago, IL 60606-6630

EXAMINER

ALTSCHUL, AMBER L

ART UNIT	PAPER NUMBER
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3686

MAIL DATE	DELIVERY MODE
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03/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/748,750		MIHAI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	AMBER L. ALTSCHUL		3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on December 30, 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>August 6, 2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-53 have been presented for examination.

#### ***Priority***

2. This application claims benefit of a United States Provisional Application Number 60/443,350 filed February 1, 2003, United States Patent Application 10/135,180 filed on April 30, 2002, United States Patent Application 10/424,553 filed April 28, 2003 and United States Patent Application 10/659,760 filed September 10, 2003. Applicant's claim for the benefit of these prior-filed applications is acknowledged.

#### ***Information Disclosure Statement***

3. The examiner has reviewed the patents and articles supplied in the Information Disclosure Statements (IDS) provided on August 6, 2004.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-53 are rejected under 35 U.S.C. 102(b) as being unpatentable over United States Patent Number 5,935,099, Peterson, et al., hereinafter Peterson.

5. As per claim 1, Peterson teaches a multi-purpose user interface for a healthcare user interface having a medical device and a first central computer, the user interface comprising: a housing, (column 3, lines 65-67); a processor, (column 5, lines 17-28); a memory, (column 5, lines 17-28); a communications interface for providing communication between the user interface and the medical device and for providing communications between the user interface and the first central computer, (column 5, lines 29-34); and, a display for displaying a medical prompt and for displaying medical information received from the first central computer, (column 5, lines 59-65).

6. As per claim 2, Peterson teaches the user interface of claim 1 as described above. Peterson further teaches wherein the housing comprises means for removable connection to the medical device, (column 27, lines 14-19).

7. As per claim 3, Peterson teaches the user interface of claim 1 as described above. Peterson further teaches wherein the medical device is a controller for a medical device, (column 8, lines 1-13).

8. As per claim 4, Peterson teaches the user interface of claim 1 as described above. Peterson further teaches wherein the user interface is structured to control the operation of medical device, (column 5, lines 35-49).

9. As per claim 5, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the first central computer is structured control the operation of the medical device, (column 5, lines 35-49).

10. As per claim 6, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the medical device is a MEMS pump, (column 5, lines 65-67 and column 6, lines 1-26).

11. As per claim 7, Peterson teaches the user interface of claims 1 and 6 as described above.

Peterson further teaches wherein the MEMS pump is integral with a line set, (column 6, lines 46-54).

12. As per claim 8, Peterson teaches the user interface of claims 1 and 6 as described above.

Peterson further teaches wherein the MEMS pump comprises an identifier for identifying the MEMS pump to at least one of the first central server and the user interface, (column 8, lines 29-42).

13. As per claim 9, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches a thin-client operating user interface for operating the interface; and a first listener task received from the first central computer to listen for medical information from the first central computer, (column 22, lines 18-25).

14. As per claim 10, Peterson teaches the user interface of claims 1 and 9 as described above.

Peterson further teaches a second listener task received from the first central computer to listen for medical information from the medical device, (column 22, lines 26-39).

15. As per claim 11, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the communications interface is a wireless communications interface for communicating with a wireless access point, (column 22, lines 64-67).

16. As per claim 12, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the user interface is structured to receive status information regarding the operation of the medical device, and display the status information on the display, (column 24, lines 54-67 and column 25, lines 1- 46).

17. As per claim 13, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the medical device is one of at least a volumetric infusion pump and a syringe pump, and wherein the user interface is structured to program the medical device with at least one of an infusion rate, a volume to infuse, and a start time, (column 4, lines 33-52).

18. As per claim 14, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the medical prompt is an infusion prompt displayed on the display of the user interface and wherein the infusion prompt comprises an infusion prompt for at least two channels controlled by the medical device, (column 29, lines 4-24).

19. As per claim 15, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the means for removable connection to the medical device also comprises means for removable connection to a second medical device, (column 27, lines 14-19).

20. As per claim 16, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the communications interface also provides for communication between the user interface and a second medical device, (column 5, lines 29-34).

21. As per claim 17, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the medical device is a pump controller, (column 5, lines 65-67 and column 6, lines 1-26), and

wherein the medical prompt displayed on the display of the user interface comprises a first infusion prompt for the pump controller and a second infusion prompt for a second pump controller, (column 4, lines 33-52).

22. As per claim 18, Peterson teaches the user interface of claim 1 as described above.

Peterson further teaches wherein the user interface is structured to display a selection prompt on the display for selecting at least one medical device to associate the user interface with, (column 4, lines 33-52).

23. As per claim 19, Peterson teaches the user interface of claims 1 and 18 as described above. Peterson further teaches wherein the at least one medical device is of a first type and another medical device is of a second type, and wherein the user interface is structured to operate in accordance with a first personality associated with the first type and is structured to operate in accordance with a second personality associated with the second type, (column 4, lines 33-52).

24. As per claim 20, Peterson teaches the user interface of claims 1 and 18-19 as described above. Peterson further teaches wherein the first and second type is selected from a group



consisting of an infusion pump personality, a syringe pump personality, and a pulse oxymeter, (column 29, lines 4-24).

25. As per claim 21, Peterson teaches the user interface of claim 1 as described above. Peterson further teaches wherein the user interface is structured to receive the identification of at least one medical device to associate the user interface with, (column 4, lines 33-52).

26. As per claim 22, Peterson teaches the user interface of claims 1 and 21 as described above. Peterson further teaches wherein the at least one medical device is of a first type and another medical device is of a second type, and wherein the user interface is structured to operate in accordance with a first personality associated with the first type and wherein the user interface is structured to operate in accordance with a second personality associated with the second type, (column 4, lines 33-52).

27. As per claim 23, Peterson teaches the user interface of claims 1 and 21-22 as described above. Peterson further teaches wherein the processor automatically programs the user interface to operate in accordance with the first type upon receipt of the identification of the at least one medical device, (column 4, lines 33-52).

28. As per claim 24, Peterson teaches the user interface of claim 1 as described above. Peterson further teaches wherein the user interface is structured to send a request to the first central computer to locate an available and qualified clinician for the user interface, (column 5, lines 59-65).

29. As per claim 25, Peterson teaches the user interface of claims 1 and 24 as described above. Peterson further teaches wherein the first central computer sends a message to a clinician

device that the user interface is in need of attention, and receives a response from the clinician device that the clinician will attend to the user interface, (column 6, lines 55-60).

30. As per claim 26, Peterson teaches the user interface of claim 1 as described above. Peterson further teaches wherein at least a subset of communications sent and received by the communications interface are secure communications, (column 7, lines 1-17).

31. As per claims 27-48, these claims are rejected for the same reasons as set forth in claims 1-26 above.

32. As per claims 49-50, these claims are rejected for the same reasons as set forth in claims 1-5 and 11.

33. As per claims 51-53, these claims are rejected for the same reasons as set forth in claims 1 and 11-12.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is (571) 270-1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday Off.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gerald J. O'Connor can be reached on (571) 272-6787. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

36. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-8219.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) user interface. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR user interface, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR user interface, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information user interface, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/A. L. A./  
Examiner, Art Unit 3686  
March 14, 2009

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686

<b>Notice of References Cited</b>	Application/Control No. 10/748,750	Applicant(s)/Patent Under Reexamination MIHAI ET AL.	
	Examiner AMBER L. ALTSCHUL	Art Unit 3686	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,935,099	08-1999	Peterson et al.	604/65
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	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



Receipt date: 08/06/2004

10748750 - GAU: 3686

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
PTO-1449

Sheet 1 of 56

Application No.: 10/748,750  
Filing Date: December 30, 2003  
First Named Inventor: Dan M. Mihai  
Art Unit: 3763  
Examiner Name: Unassigned  
Attorney Docket Number: EIS-5909D (1417GP980)

**U.S. PATENT DOCUMENTS**

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /AA/

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
PTO-1449**

Sheet 2 of 56

Application No.: 10/748,750  
 Filing Date: December 30, 2003  
 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

Examiner Initial	Document No. Kind Code (if known)	Name of Patentee or Applicant	Publication Date (MM-DD-YY)
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
PTO-1449**

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Application No.: 10/748,750  
 Filing Date: December 30, 2003  
 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
PTO-1449**

Sheet 4 of 56

Application No.: 10/748,750  
 Filing Date: December 30, 2003  
 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

Examiner Initial	Document No. Kind Code (if known)	Name of Patentee or Applicant	Publication Date (MM-DD-YY)
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
PTO-1449**

Sheet 5 of 56

Application No.: 10/748,750  
 Filing Date: December 30, 2003  
 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /AA/

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT PTO-1449</b>	Application No.: 10/748,750 Filing Date: December 30, 2003 First Named Inventor: Dan M. Mihai Art Unit: 3763 Examiner Name: Unassigned Attorney Docket Number: EIS-5909D (1417GP980)
Sheet 6 of 56	

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 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

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 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

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 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

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Application No.: 10/748,750  
 Filing Date: December 30, 2003  
 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

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Application No.: 10/748,750  
 Filing Date: December 30, 2003  
 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

Examiner Initial	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	T
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Application No.: 10/748,750  
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 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

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Application No.: 10/748,750  
 Filing Date: December 30, 2003  
 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

Examiner Initial	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	T
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 Filing Date: December 30, 2003  
 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

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Filing Date: December 30, 2003  
First Named Inventor: Dan M. Mihai  
Art Unit: 3763  
Examiner Name: Unassigned  
Attorney Docket Number: EIS-5909D (1417GP980)

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Application No.: 10/748,750  
 Filing Date: December 30, 2003  
 First Named Inventor: Dan M. Mihai  
 Art Unit: 3763  
 Examiner Name: Unassigned  
 Attorney Docket Number: EIS-5909D (1417GP980)

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Application No.: 10/748,750
PTO-1449	Filing Date: December 30, 2003
	First Named Inventor: Dan M. Mihai
	Art Unit: 3763
Sheet 54 of 56	Examiner Name: Unassigned
	Attorney Docket Number: EIS-5909D (1417GP980)

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> PTO-1449  Sheet 55 of 56	Application No.: 10/748,750 Filing Date: December 30, 2003 First Named Inventor: Dan M. Mihai Art Unit: 3763 Examiner Name: Unassigned Attorney Docket Number: EIS-5909D (1417GP980)
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Examiner Signature: /Amber Altschul/ Date Considered: 03/14/2009

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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